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THE CONGRESSIONAL CAUCUS OF TODAY

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The convening of the 64th congress makes timely a brief discussion of the organization and operation of the Democratic caucus system in the house of representatives during the last two congresses; since the Democratic party remains in control of the present congress, it is to be presumed that the past caucus system will be continued in substantially the same form.

The caucus system used in the 62d and 63d congresses was adopted by the Democrats, upon their accession to control of the house in 1910, to replace Cannonism, which had become of ill repute among the voters, and which had been partly overthrown at the preceding session. The unwieldy size of the house, as well as the exigencies of party, required some extra-legal machinery to coördinate and direct the action of the members; the substitute chosen by the Democratic leaders was an adaptation of the senate caucus, formerly known as Aldrichism. The essence of Cannonism had been the control of the house by the speaker through his power of appointment of committees and his domination of the rules committee, backed by the power of the majority party caucus; the essence of the new system is direct control of legislative action by the caucus itself.

As at present constituted, the Democratic caucus is composed of all members of the majority party in the house. For the election of caucus officers and for the nomination of candidates for house officers, a majority of those voting binds the entire caucus; on questions of policy Rule 7 of the Democratic caucus rules reads:

“In deciding upon action in the house involving party policy or principle, a two-thirds vote of those present and voting at a caucus meeting shall bind all members of the caucus; provided,

the said two-thirds vote is a majority of the full Democratic membership of the house, and provided further, that no member shall be bound upon questions involving a construction of the Constitution of the United States or upon which he made contrary pledges to his constituents prior to his election or received contrary instructions by resolutions or platform from his nominating authority."¹

If a member decides not to be bound by the caucus on any question, he must notify the caucus in advance.

According to what has become the custom, shortly after the congressional elections those members of the congress then in existence who have been reëlected convene in a caucus; elect the caucus chairman, the party candidate for speaker, and the party floorleader for the coming session; and appoint the Democratic members of the ways and means committee a committee on committees to arrange all Democratic committee-assignments. In this action the newly elected members of course have no part, since their congress does not meet until nearly a year later; the caucus positions are thus easily dictated by the old leaders who have been reëlected. The caucus meets once more, a few days before the opening of the new congress, to consider the other side of caucus organization—the distribution of patronage among its members,—to appoint a representative to confer with a Republican representative on the committee-assignments of the minority party, and probably also to define the legislative program for the session.² The caucus is then ready for business.

Among the actual instruments which the caucus uses to control the legislative action of the house the basis is of course the

¹ *Lawmaking in America*, by Lynn Haines, p. 10.

² E.g. The resolution offered by Underwood of Alabama, floorleader: "Resolved, That the Democratic members of the various committees of the house are directed not to report to the house during the first session of the 62d congress, unless hereafter directed by this caucus, any legislation except with reference to the following matters." (*Caucus Journal*, April 1, 1911.)

N.B. It is interesting to note that the average attendance at the caucus of the 63d congress for consideration of important matters was 65 per cent of the membership of the caucus; that therefore 132 votes (out of 291 members) was the normal two-thirds majority for controlling party policies; and that 16 southern states had exactly 132 representatives.

"binding resolution," through which a majority of two-thirds of those voting at the caucus binds the whole body of Democrats (except for Rule 7), and they in turn control the entire house.³

The control of the open voting of the house is however less important than the determination of what legislative material shall come before the house at all, for its consideration. The caucus controls the subjects upon which the house may legislate, in the first place, by controlling the house committees, and it controls the committees by controlling the selection of the majority members of the committees. As a matter of practice, the Democratic committee-assignments are really determined by a few leaders; since 1911 the nominations by the committee on committees have never been rejected by the caucus. This power of selection of the Democratic committee-majorities is of importance, first, because the majority members of committees may hold a miniature caucus in which a conclusion is reached which all are bound to support in the open committee; thus the minority members of the committee, when they are finally called in, find a completed bill which they have the high privilege of supporting or opposing as it stands. In the second place, the power of assigning members to committees is important to the leaders because the reports of committees (or of the majority membership of committees) exercise a considerable influence, even a control, over the caucus itself; "a careful study of the caucus records shows that with not a single important exception, the caucus ratified the action of a majority part of the standing committee which had the bill in charge."⁴ And finally, the power of selecting committees is important: first, because the committees cannot in fact be compelled to report by the house and thus they apparently decide what matters the house shall be allowed to consider; and second, because, whenever a com-

³ E.g., Resolution by Underwood (amended): "Be it resolved, by the Democratic caucus that we indorse the bill presented by the ways and means committee and pledge ourselves to support said bills in the house with our votes, and to vote against all amendments, except formal committee amendments, to said bills and motions to recommit, changing their text from the language agreed upon in this caucus." (*Caucus Journal*, April 11, 1911.)

⁴ National Voters' League, Bulletin No. 1.

mittee does report a bill, the chairman of the committee has charge of the bill in the house and apportions the allotted time for debate among his party.

As a matter of fact, however, the action of the committees in the house is often controlled by the caucus itself, in one of three ways. First, bills are often introduced in the caucus, worked out there, afterwards introduced into the house; their reference to a committee is then a mere formality. Second, the caucus may adopt a resolution forbidding reports on other than specified subjects, or by other than specified committees, without its express consent. And third, the house procedure is intentionally so inefficient that a special rule issued by the rules committee, under instructions from the caucus, is necessary to secure consideration for any bill not reported by one of the three privileged committees.

This brings up the subject of the house procedure. Briefly, the house rules have been so adapted and arranged that the house cannot compel its committees to report, and yet, if they do report, it is next to impossible for any bill to reach final consideration under the ordinary rules. Out of this chaotic situation there rise three privileged committees—those on rules, on ways and means, and on appropriations—which have the right to report at any time. This gives the chairmen of the latter two committees overwhelming influence on all financial matters; the scope of the power of the rules committee is still broader. In fact it is to his position as chairman of the ways and means committee that the majority floorleader owes his control in the house, for, as chairman, he has the right to recognition at any time and thus, by a motion, he may improvise a special rule to restrict debate or to shut off amendments. His power in the house is of course backed up by his domination of the caucus, in which his all-pervasive influence appears on every page of the proceedings. His personal ascendancy over the members comes largely from his control of committee-assignments as chairman of the ways and means committee and therefore of the caucus committee on committees.

The source of the power of the rules committee, of only ten

men, is the absolutely unworkable system of house rules, which, on the one hand, makes it impossible for the house to compel its rules committee (or any other) to report, and which, on the other hand, makes the house dependent on the rules committee, since it is impossible for business to be transacted effectively by the house except under a special rule from the rules committee. This committee also controls all special investigations, for to it practically all resolutions constituting special committees are referred. And, further, it is the only agency able to compel a house committee to report.

The general control of the legislative activity of the house by the rules committee is exerted through three kinds of motions, as well outlined by Mr. Lynn Haines.⁵ First are gag-rules, which introduce a bill, at the same time limiting debate and giving control of that time to the respective leaders of the committee which had the bill in charge. A second method of control is by special rule permitting the incorporation of alien subject-matter in appropriation bills. The third variety of motion, the "buffer," is used as a means of negative control, to postpone out of existence some politically dangerous bill (inadvertently allowed to approach a vote) by a special rule putting other bills ahead of it on a special calendar. Thus it is seen that the rules committee has "the power to advance directly, or to retard indirectly, any measure;"⁶ it is the steering committee of the house. But it itself is completely subject to the direction of the caucus; it is rather a most essential instrument of caucus control of legislation, than a controlling force in itself.

It is in connection with the domination of the floorleader over the members of the caucus by virtue of his control of committee-assignments that we first strike the foundations of the caucus system; for, as Mr. Lynn Haines acutely observes, "the belief that the caucus can bind reluctant members to unanimity . . . is false. The action of a caucus binds only those members who were bound by the 'organization' before the caucus acted."⁷

⁵ *Lawmaking in America*, pp. 22-26.

⁶ *Lawmaking in America*, p. 27.

⁷ *Legislating with a Dark Lantern* (article), by Lynn Haines.

This strikes the nail on the head: once the leaders agreed, they overawe the other members into submission by their supposed control over the three necessities of congressional existence—perquisites, patronage, and “pork.” The fame or influence of positions on important house committees attract some, but chairmanships carry more substantial perquisites in the use of the committee-clerk, which allows the chairman to save the \$1500 clerk-allowance which each representative receives. In the second place, the amount of patronage which each congressman is allowed to distribute depends upon his party-regularity, his submission to the caucus; also, committee chairmen are given the appointment, with the consent of their committees, of the committee-employees. And thirdly, to receive his share of the “pork”-appropriations for his district, a member must be “regular.” It is these things that make being “read out of the party” a serious matter; “pork” and patronage are essential to reelection, and party-obedience is their price. The ordinary congressman is tied hand and foot. The problem of caucus-reform is therefore the substitution of some other motive for submission to the caucus—unless we are to denounce the whole caucus-idea, and to do that is to attack our system of party-government.

Back of any criticism of the present caucus-system as such (and aside from particular defects), lies one of two opposing theories. There are those who maintain that in our national legislature we should have a system of individual responsibility, under which all bills would pass or be defeated by ever-shifting majorities, but the individual units composing these majorities would be responsible each for his own acts to the people of his own district. If each representative is to be held responsible as an individual for his acts, the acts must result from his free and independent will, controlled only by his conscience and his reason.

Yet all democratic governments seem to develop inevitably upon the theory of party-responsibility; if coöperation is found to be more effective in politics as well as in other walks of life, men cannot be kept from coöperation. In the United States, just as the occasion of the rise of party organizations was the

lack of adequate nominating instruments, so the lack of any coördinating instrument in the midst of the chaos of congressional committees produced Cannonism, which was backed by the caucus, and has now produced the caucus as itself the supreme instrument. Woodrow Wilson, in his early book on *Congressional Government*, pointed out that "the caucus is meant as an antidote to the committees. It is designed to supply the cohesive principle which the multiplicity and mutual independence of the committees so powerfully tend to destroy."⁸ He states the essence of the theory: "It should be desired that parties should act in distinct organizations, in accordance with avowed principles, under easily recognized leaders, in order that the voters might be able to declare by their ballots, not only their condemnation of any past policy . . . but also and particularly their will as to the future administration of the government."⁹ He even goes so far as to advocate unipartisan membership on house committees; the need for this has been met to some extent by committee caucuses.

Passing over the theoretical criticisms of the caucus and accepting, as we must, our party-system of government, we may turn to the problem of practical reform. It has been observed with penetration that reform of the caucus must come through reform of the house; that, if the house is once organized in a businesslike way, many of the evils of the caucus will disappear with the opportunities for its arbitrary control of legislative action; what may be called its legitimate majority-control will then remain. A brief mention of the reforms needed in the house will sufficiently indicate their effect upon the caucus.

1. The house rules must be entirely reconstructed; at present the necessity of special rules "means not only that disorder, rather than order, is the accepted parliamentary situation, but also that whatever the house does 'constructively' is always in the hands of a few leaders,"¹⁰ e.g., the rules committee. The opening wedge should be a "gateway amendment" to the rules,

⁸ *Congressional Government*, by Woodrow Wilson, p. 326.

⁹ *Ibid.*, p. 98.

¹⁰ National Voters' League, Bulletin No. 5.

requiring the rules committee to report within a certain time any proposed amendment to the rules which may be referred to it; with the present independent position of the rules committee the old rules are rushed through at the beginning of a new congress, before the new and inexperienced members understand the rules' importance—after that they are helpless.

2. The entire house committee-system must be reformed: the dead, unused committees should be abolished; the committees should select their own chairmen, and employ and use their own employees. These two changes would strike at the root of the irresponsible control by the leaders, by eliminating their control of perquisites and of much of the patronage; the extension of civil service reform to all federal officers possible would do away with most of the rest of the patronage. Committees should also be required to report all bills referred to them, within a specified time.

3. Further, much of the congestion of business of the house could be eliminated by requiring the introduction of all routine business early in the session, by giving the District of Columbia self-government (its business now takes up one-thirteenth of the whole session), and by establishing a scientific budget-system. This last reform would not only save time and money, but it would largely wipe out the "pork" system of appropriations upon which the present caucus rests.

4. If an electrical voting-system were installed in the house, there would be no non-political reason why roll-calls should not be taken on all votes, in the committee of the whole as well as in the house. A chief reason for the superiority of the senate over the house is that roll-calls cannot easily be avoided.

5. Another reason for the senate's superiority is that its small size allows it to remain a deliberative body; the membership of the house should be reduced to a workable basis.

6. A fundamental and most valuable reform is the substitution of election of representatives in groups from a few large districts in each State, in place of election by single districts; with this should be combined some system of proportional representation. Such a plan would greatly weaken the power of

the leaders of the caucus to control the caucus by distribution of local patronage and "pork" appropriations; it seems in fact desirable in every way, if not absolutely essential to the establishment of the caucus on a legitimate basis, in spite of the probability that no one party would have a majority in the house, and the resultant dangers of a multiplicity of parties. Some of the less exact systems of proportional representation have the advantage that the rougher apportionment of seats excludes all but the really strong parties from representation; thus the number of parties in the house would be kept reasonably few.

These reforms of the house itself will go far toward reforming the caucus, by making more discussion possible in the house, by giving the house as a whole control over its own instruments, the committees, and its own business, and by destroying to a great degree the corrupting means by which caucus control is enforced; it will tend to introduce a new motive for party-unity. The unity of the caucus will then be due more to a feeling that reelection is to be won by each member through his support of the measures pledged in the party platform, and not by securing patronage or appropriations for his home-district; and the control of the caucus will be exercised in the open on the floor of the house, and not through devious and irresponsible agents such as the rules committee.

The reform of the internal organization of the caucus remains for consideration; and here criticism centers on the question of the open or closed caucus. The present rules provide that the meetings of the caucus shall be secret, but that a journal of the actual proceedings shall be published; roll-calls are not published except on demand of one-fifth of the members present—i.e., at most 58, on the average 40 members.¹¹ This compromise has been criticized on the ground that the publication merely of final decisions, combined with the difficulty of obtaining public roll-calls, leaves the caucus still irresponsible, a shelter behind which members may prostitute their convictions in the dark.

On the other hand, such a degree of secrecy is defended on the ground that full publicity would make impossible the har-

¹¹ Democratic Caucus Rules, Nos. 10, 11 (adopted Jan. 6, 1912).

monizing of party discord which is necessary to party unity, and for which the caucus exists; the frank discussion which may now occur within the bosom of the party would be banished by the light of publicity. We cannot stop our congressmen from meeting, and, so long as their motives, their temptations, will not bear the public eye, they will meet somewhere in secret; we can but drive them farther from the Capitol. Yet—and here is the great difference—if the house organization is reformed as suggested, and most of the opportunities for control of patronage, perquisites, and “pork,” are done away with,—the shady motives and the temptations to corruption will play a much less important part in the control of the caucus over its members. If the caucus once meets and binds its members to unity, because the party-responsibility to the country demands the execution of the party pledges as the price of reelection, if the chances of reelection of the *group* of party members from each large district depends on their support for the enactment of the party-platform into law, instead of the chance of reelection of the *individual* member depending on the amount of government money he can get spent in his small district,—then there will be much less objection to throwing the caucus open to the public. “Publicity is perhaps the most essential characteristic of representative government,” says Guizot. And in fact are not the people entitled to know as far as possible what influences are at work upon their representatives? Publicity is the protection of the honest man. And are not the people entitled to know how their representatives stand on questions of public or party policy? Else, how can they vote intelligently? The position of the representative can best be known through his votes; at present the people cannot tell how their representatives stand, for all important votes in the house are caucus-controlled—it is the votes in the caucus that count. Thus it is that we may say: reform the house and the caucus will take care of itself; without previous reform of the house, all reform of the caucus will be ineffective.

To conclude—from history we learn that means, however imperfect, will inevitably develop to perform certain indispensable unifying functions of government, for which no official provision

has been made. We also see that the tendency of democratic government seems to be toward a system of party-responsibility; the party program is formulated by the national convention and transformed into legislative form by the congressional caucus; the party is collectively responsible. The legislative instrument of the party is represented in its most highly developed form by the Democratic caucus of the 62d and 63d congresses, the operation of which is based on two principles: strict party-unity on questions of essential party-policy; individual liberty in non-essentials.

But we have seen that the congressional caucus has many defects: that its control is placed too much in the hands of a few by the absurd internal organization of the house of representatives, so that it can be deviously and irresponsibly exercised; and that the control of the caucus over its own members rests on a false basis—the corrupting needs of the individual members, which are at present the price of reelection. And we have seen that the fundamental causes of these serious defects extend far beyond the caucus itself and so can only be remedied through the house which supports the caucus.

Once the house is made efficient by remedy of these underlying defects, and once the rotten foundations of the caucus—patronage, perquisites, and “pork”—are destroyed, or, rather, replaced; the sinister, throttling domination of the caucus will largely disappear of itself, and the institution may be left free to develop as a legitimate instrument of majority control and party-responsibility on the open floor of the house.